

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LARDELL WESLEY,

Civil No. 06-4361 (RHK/JSM)

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated November 3, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Petitioner's application to proceed in forma pauperis, (Docket No. 2), is **DENIED**; and
2. Petitioner's application for a writ of habeas corpus is summarily **DISMISSED WITHOUT PREJUDICE**.

Dated: December 1, 2006

s/ Richard H. Kyle

RICHARD H. KYLE
United States District Court Judge